

CTC 21

Ymgynghoriad ar rôl, llywodraethiant ac atebolrwydd y sector cynghorau tref a chymuned

Consultation on the role, governance and accountability of the community and town council sector

Ymateb gan: Ymddiriedolaeth Adeiladu Cymunedau

Response from: Building Communities Trust

Submission to inquiry into the role, governance and accountability of the community and town council sector

About the Building Communities Trust

Building Communities Trust is a Welsh charity funded by a National Lottery Community Fund endowment to promote asset-based community development in some of Wales's poorest communities, providing both funding and support. We support local people to build on the strengths and talents within their communities and take action to make their areas even better places to live.

We run three separate programmes - funding 13 place-based community development initiatives at a neighbourhood level, 11 community anchor organisations and 5 community networks over a long-term period.

We use learning derived from their programme work, as well as specific research findings to advocate for policy and practices which enhance and support community-led action throughout Wales.

This response

This response has been prepared by BCT's Policy and Research Advisor, Eleri Williams, and Chief Executive, Chris Johnes. It is informed by experiences derived from BCT's programme work as well as experiences shared by community groups in our wider networks.

Overview

We believe in supporting people in their own communities to do the things that matter to them. In our experience, community action often takes place in informal settings such as community groups or organisations. Some of these groups will work closely with tiers of government, and others will have far less interaction, choosing to focus their attention on what can be done without input from any tier of government.

There are a range of experiences and perspectives from groups within our large network. However, we have considerable concerns about the scrutiny arrangements surrounding some town and community councils, which reduces the accountability and transparency of them. It is not easy to find a list or directory within the public domain of "eligible" town and community councils, following the new powers and duties within the Local Government and Elections (Wales) Act 2021, reducing the accountability and transparency of the sector. We are also concerned about the exceedingly low rates of contested town and community council seats and the low level

of awareness of the work of town and community councils amongst those in our networks, despite them being actively involved in community action at a local level. Collectively, these factors undermine the legitimacy of these bodies.

Limited coverage

There are more than 730 town and community councils, with around 8000 councillors throughout Wales, however town and community councils are not present in every community. Where they do exist, they represent the tier of government closest to people and theoretically to communities.

According to 2003 research from Aberystwyth University, town and community councils in Wales collectively cover 96% of the nation's land surface, and 70.1% of its population. However, there were "also 115 officially-defined 'communities' in Wales for which no council exists. More than half of the population in Cardiff, Merthyr Tydfil, Newport, Swansea and Rhondda Cynon Taff are not served by a local-level council, along with around a third of the population in Blaenau Gwent, Caerphilly and Neath Port Talbot."¹ In essence, just under one-third of the population of Wales lacks access to and representation or support from a town or community council.

There is evidence that a minority of people (30%) feel able to influence decision making in their local area, despite the existence of more than 730 town and community councils.² This suggests that for most people the presence of a decision making body at the lowest level of governance does little to aid peoples' sense of being able to influence decision making.

The role and value of community and town councils in Wales

The nature of the role of community and town councils varies considerably between individual bodies. It depends on many factors including institutional size, culture and the personnel involved. In our experience, a small number of (mainly larger) town and community councils are well connected and supportive of community action.

According to members of our network some councils have high precepts, enabling a good degree of capacity for action yet they have a risk averse attitude, and many others are very limited due to low capacity.

Where town and community councils are operational, they can set their own precepts and determine their activities. The scale and competency of town and community councils varies significantly and given the wide range of activities undertaken it is almost impossible to provide an overall assessment of town and community councils in Wales. Activities range from almost no community focused work to unfocused short-term grant schemes on the one hand, to innovative approaches providing clerking services to community councils as a core function of a social enterprise and long-term funding for youth work on the other.

¹ University of Wales, Aberystwyth: Institute of Geography and Earth Sciences, [Research Study into the Role, Function and Future Potential of Community and Town Councils in Wales](#), 2003.

² [Wellbeing of Wales](#), 2024.

Financial support for community action

The way in which town and community councils approach financially supporting community action is a very mixed picture amongst the groups we work with. The general picture is that some support community action via match-funding activities, others don't, and a few see place-based funding schemes within their geographical areas as a reason for them to do nothing. In one notable case a community council excluded a large housing estate from its grant schemes on the basis they already had substantial Lottery funds despite the residents of the estate obviously paying their council taxes. We are also however aware of town and community councils providing letters in support of funding applications on the part of community groups where the council itself could not provide financial support, suggesting a supportive and positive relationship in some cases.

Many town and community councils run a small grants scheme to support local groups and, in some cases, individuals. In multiple cases, grant paperwork is not available publicly, limiting the transparency of these grants processes. Instead, you need to contact the council's Clerk, to access any paperwork and presumably make an application which is likely to limit access to people who are well connected.

Whilst we very much welcome the existence of small grant schemes provided by some town and community councils, we are concerned at the lack of transparency around the application and assessment processes involved. We do, however, recognise that the funding involved is likely to be relatively small, so would not expect or indeed want to see a complex process. There is however a plethora of approaches to administering small grant schemes from the likes of Community Voluntary Councils, or even Community Foundation Wales, which could provide learning for town and community councils.

Other forms of support for community action

Outside of providing financial support for community action, there are clear opportunities for town and community councils to act as connectors and amplifiers for activities being undertaken or delivered by local community groups in their area. Some larger town and community councils have dedicated personnel fulfilling a community connector/ development or engagement role, which in our experience can be a successful way of supporting wider community action. The individuals fulfilling these types of roles tend to be the first point of contact for community groups. These roles serve as an effective bridge between existing community action and the town and community council and we would encourage more town and community councils to develop these roles should resources allow.

The role of clerks

The importance of clerks must not be underestimated when considering the role, governance and accountability of the town and community council sector. Given that coordination of council activity and implementation of decisions made "hinge on the clerk," we have concerns about the lack of time and capacity of clerks. In some cases, community groups have found town and community council clerks very helpful and

supportive whereas others think the working relationship could be better. Challenges in working with clerks were largely attributed to the workload, and the “enormous pressure to enact decisions”. There was also concern about the lack of recognition and level of remuneration for clerks. We heard that the duties of the Local Government and Elections (Wales) Act 2021 has dramatically increased the workloads of clerks (of eligible councils). The reporting requirements are high, with “too much to do”, especially for individuals with other commitments outside of their clerking role.

Developing Partneriaeth Ogwen

There is the notable and, as yet, unrepeated example of the creation of Partneriaeth Ogwen, a major social enterprise in Bethesda. Bethesda, Llanllechid and Llandygai community councils chose to outsource their clerking roles to a community organisation, which developed into the well-known social enterprise Partneriaeth Ogwen. Partneriaeth Ogwen still provides clerking for the councils and has developed a large range of projects to benefit the communities of Dyffryn Ogwen. Whilst this example is well known throughout Wales, it is as yet unique. We understand that there are structural barriers which prevent some town and community councils from following this approach and for others there are cultural barriers.

A thin veneer of democracy

We consider the town and community council sector to represent a thin veneer of democracy. In May 2022’s elections “only 22% of the 7,883 seats were contested. 62% of seats were uncontested – meaning that no election was held – and 16% of seats were unfilled, to be filled through further election or by co-option.”³ Around 30 councils were inquorate following these elections. Turnout was also down around 5% from 2017 to 38%.⁴ These statistics undermine councils’ legitimacy in representing their areas and demonstrate an alarming lack of interest in the roles available in this tier of government, signifying an acute challenge for our country’s democratic health and suggesting a low premium on the value of the many town and community councils by their residents (and indeed political parties if they are not putting up candidates).

Whilst there are pragmatic reasons to allow for co-option of councillors, in our view there is a clear and urgent need to encourage more individuals to stand for election to these roles. It is necessary to ensure councillors are competitively elected to the role, to satisfy the democratic process. We heard numerous examples of individuals being co-opted to town and community councils due to their views being similar to others in the institution. In contrast, many town and community councils have vacancies for protracted periods of time, suggesting that there is a lack of interest or willingness in becoming a local councillor. It also suggests the need for fewer, larger town and community councils which have greater capacity and more legitimacy.

³ Rebecca Evans MS, Minister for Finance and Local Government, *Written Statement: Democratic Health of Community and Town Councils*, April 2023

⁴ Terms of Reference for the Democratic Health Task and Finish Group, <https://www.gov.wales/democratic-health-task-and-finish-group/terms-reference>

The complex nature of the local government landscape in Wales represents a fundamental barrier to people’s awareness and comprehension of which tier of government is responsible for what. Overall, “the tiers of government are a mystery to the general public” which may act as a barrier for individuals to put themselves forward to become a councillor.⁵

Weak scrutiny arrangements

We consider the current scrutiny arrangements to be insufficient to adequately hold councils to account and aid in transparency.

A Gwynedd Council Standards Committee report, undertaken to better understand the needs of community council clerks found that there were concerns that the threshold for scrutiny is high; “a formal complaint was needed before anything could be done about it - instead of being able to call for swift and effective intervention.”⁶ Additionally, where a formal complaint is lodged, it is a “burdensome” and “lengthy process”.⁷ Whilst there must be an appropriate fair and thorough investigative process, one that is too lengthy may risk creating further mistrust and apathy in the system.

Former town and community councillors shared their experiences of ineffective challenge to and by Council Chairs, stating that many councillors and Chairs do not adequately understand their roles, nor the protocols that exist. We’re aware of the [Good Councillors Guide](#) and the ‘[Be a Good Councillor](#)’ website which both include information about the role of a councillor however, the take up and impact of these is not clear. We also heard about the difficulties of individual councillors having their views heard, especially as young women. This is despite longstanding interest in and efforts to increase the diversity of individuals involved in local government, suggesting a need for culture change within some town and community councils.

Scope of digital and new technology to improve decision-making, service provision and participation in local democratic processes

We consider there to be limited potential from expanded use of digital and new technology to improve decision-making, service provision and participation in local democratic processes. The evidence is that there is little interest in the work of town and community councils rather than unmet demand for information. On the other hand there is the risk of entrenching and deepening existing inequalities. With 7% of adults in Wales not online at all (and a much much higher percentage not proficient online)

⁵ Quote from stakeholder.

⁶ Dr Einir Young (Chairman) and Richard Parry-Hughes (Community Committee Member), [Standards Committee Consultation with a selection of Town and Community Council clerks regarding the Ethical Standards Framework](#), November 2022.

⁷ Dr Einir Young (Chairman) and Richard Parry-Hughes (Community Committee Member), [Standards Committee Consultation with a selection of Town and Community Council clerks regarding the Ethical Standards Framework](#), November 2022.

disproportionately affecting a range of demographic groups, prioritising the use of digital technology without also providing resources to support other means of engagement could be detrimental and result in even weaker decision-making, service provision and participation.⁸ In our view, the focus on prioritising use of digital, whilst not focusing on the lack of interest and understanding in this tier of government, is misplaced.

Taking into account the limitations mentioned above, section 47 of the Local Government and Elections (Wales) Act 2021 (the duty to ensure meetings can take virtually or partially virtually) has some potential to make participation in local democratic processes more accessible and provide additional accountability and transparency to the electorate. However, it is necessary to remember that expanding the use of digital is not a universal solution and will not meet everyone's needs.

It is likely that the potential opportunities from digital technology will only be accessible to larger, better-resourced town/ community councils. There is also an underlying assumption that further use of digital technology is a panacea to resolve all other issues. Maintaining an online presence takes resources and expertise. From a limited examination of the websites of a small sample of town and community councils, it is not clear that this is a priority for many councils currently. Moreover, given the levels of mistrust in the political system, as well as the apathy concerning the town and community council sector specifically, we would need convincing that expanding the use of digital and new technology should be prioritised above and beyond other forms of engagement and involvement. In our own programme work, there is a wide variety of expertise and willingness to engage virtually, and we anticipate this reflects the wider population.

How new powers and responsibilities for this tier of government are utilised to support communities

The new powers and responsibilities from the Local Government and Elections (Wales) Act 2021, do not appear to be utilised to actively support communities. The responsibilities of the act serve to regulate councils with weak and superficial scrutiny mechanisms with no real measures to remedy the apathy surrounding this tier of government.

The key new power from the Local Government and Elections (Wales) 2021 Act is the General Power of Competence (GPOC), which if satisfying the criteria, and passing a

⁸ Digital Communities Wales, [Digital Inclusion in Wales](#), disproportionately affected groups include older people, disabled people or those experiencing a long-term health condition, lower income families, people living in rural areas, socially isolated and lonely people, homeless people and Welsh speaking people and others for whom English is a second or additional language.

resolution to that effect, enables councils to become ‘eligible councils’.⁹ It is not easy to determine how many town and community councils meet this threshold and enjoy this power, which means they are “no longer be required to identify a specific power in order to undertake a particular activity. Instead, they will be in a position in which it is ‘assumed they can do something unless there is a statutory restriction preventing it’.”¹⁰ The lack of an easily identifiable directory of town and community councils possessing these powers and responsibilities is a gap in overall accountability and transparency of this tier of government.

Additionally, the responsibilities created by the GPOC appear to be onerous for councils and clerks which already lack capacity. The act includes the requirement to make and publish a training plan for staff and councillors, the duty to publish an annual report and provision to ensure that for any members of the public attending meetings have a reasonable opportunity to make representations about council business. Whilst these provisions add some level of additional scrutiny to eligible councils, there is a mismatch between the requirements of professionalisation and capacity. There are some effective and proactive town and community councils, but they appear to both be in a minority and be among the larger ones.

Conclusion

We consider there to be major challenges surrounding the role and accountability of town and community councils. The presence of over 700 individual and autonomous bodies naturally results in wide variance. Whilst we support this tier of government (it being the most localised and rooted in community action) in theory, we regard the significant democratic deficit, weak scrutiny arrangements and the patchwork of approaches, to weaken its overall effectiveness. We would like to see a smaller number of better resourced town and community councils which are more likely to be elected, actively supporting and stimulating locally rooted community action.

Please contact our Policy and Research Advisor, Eleri Williams, on [REDACTED] for more information on this response.

⁹ For a community council to be eligible to exercise the general power of competence, it would need: at least two thirds of the community council to have been elected; that the clerk to the council holds qualifications as specified by the Welsh Ministers in regulations; and the council must also have received an ‘unqualified’ opinion on the council’s most recent accounts by the Auditor General for Wales, as well as on the accounts which immediately preceded it. Only after the above criteria have been met can a community council pass a resolution that it is an eligible council.

¹⁰ Senedd Research, [Quick guide to the Local Government and Elections \(Wales\) Act 2021 Research Briefing](#), October 2021.